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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,774	08/04/2000	Stacy Haituka	U000-P02009US	2126
33356 7590 11/20/2007 SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			EXAMINER NGUYEN, TRI V	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/632,774
Filing Date: August 04, 2000
Appellant(s): HAITSUKA ET AL.

MAILED
NOV 20 2007
GROUP 1700

Mark A. Goldstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/08/07 appealing from the Office action mailed 05/14/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,933,811	ANGLES ET AL.	8-1999
5,347,632	FILEPP ET AL.	9-1994
6,807,558	HASSET ET AL.	10-2004

Pegoraro "Loggin on: how much is free access worth?" Washington Post, Oct 8, 1999.

Mandel "Is this what they call "ad nauseum"?" Canadian Business, Aug. 28, 1998.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Angles et al in view of Filepp et and further in view of Pegoraro or Mandel or Hasset et al.

Claims 1, 7, 8, 11, 12, 15, and 21: Angles discloses a system and method for displaying advertisements to a user of an online service provider to provide access to Internet, comprising:

- a. Connecting to an online service provider (col 7, lines 53-60 and col 19, line 17 -col 20, line 26);
- b. Transmitting and displaying sponsorship label and click-through resource link (col 7, lines 53-60 and col 19, line 17 - col 20, line 26);
- c. Retrieving and displaying a first advertisement from the memory of the local online client device (col 11, lines 50-65);
- d. Receiving and displaying a second advertisement from the online server (col 7, line 61 - col 8, line 7).
- e. Monitoring the user's interaction with the client window to generate a usage history of the user (col 16, lines 26-37); and

f. Selecting the second advertisement from the remote online server based on the usage history of the user (col 15, lines 25-31).

However, Angles does not explicitly disclose that the advertisement is being displayed in a fully visible persistent window independent of the browser window by a client application operating independently of the browser. However, Filepp discloses a similar system and method for displaying advertisements to a online user in which the user's display screen is divided into a plurality of partitions (windows), with separate and distinct applications running in each partition (col 5, lines 3-39). Filepp also discloses that "advertisements 280 may be presented to the user on an individual basis from queues of advertisements" and "may be included in any partition of a page" (screen)(col 9, lines 27-47), such as "ad partition 280" (col 11, lines 64-66). Thus, Filepp teaches a system and method in which the advertisements are displayed in a persistent window by an advertisement application that is operating independently of other applications (e.g. a browser) running in the other windows. In an analogous art, Pegoraro or Mandel or Hassett et al. disclose the feature of accessing the Internet via a provider with a persistent and fully visible advertising window with the targeted ads being cyclically displayed (Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hasset et al.: see fig. 10 and col 15, lines 27-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the

advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. word processor, spreadsheet, browser, etc.).

Claims 2, 9, 13, 16, and 24: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1, 7, 11, 15, and 21 above, and Angles further discloses the client device establishing a communication link via a public switched telephone network (Angles: col 9, lines 3-44).

Claims 3, 10, 14, and 17: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1, 7, 11, and 15 above, and Angles further discloses the client device requesting and receiving authorization to access the online service provider (Angles: col 10, line 60 - col 11, line 4 and col 14, lines 9-50).

Claims 4 and 18: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1 and 15 above, and further Angles discloses the click-through link comprises a uniform resource locator (URL) associated with an Internet webpage (Angles: col 6, lines 32-58, col 7, lines 19- 42, and col 15, lines 43-55).

Claims 5 and 19: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as

in Claims 1 and 15 above, but do not explicitly disclose that the sponsorship label is located on a title bar of the client window. The Examiner notes, however, that Angles presents extensive discussions on how web pages are programmed using the HTML Internet protocol language. A standard HTML document defines the location, size, and format where each object file is to be displayed on the web page in accordance with the desires of the designer of the web page. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the sponsorship label at the beginning or top of the web page using a title bar or banner format. One would have been motivated to place the sponsorship label in Angles at the top of the page as a title bar in order to draw the user's attention to this important information.

Claims 6 and 20: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1 and 15 above, and Angles further discloses displaying a series of advertisements when the user "views a particular electronic page for more than a minute" (col20, lines 14-17). However, Angles does not explicitly disclose that the additional advertisements are coming from a play list of advertisements specifying the order in which the advertisements are to be displayed. Filepp discloses a similar system and method for displaying advertisements to a user of an online client device in which the downloaded advertisements "may be presented to the user on an individual basis from queues of advertisements". The "Individual queues of advertisements are constructed based upon data collected on the particular applications that were accessed by a user, and upon events the user generated in response to applications" (col 9, lines

30-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the advertisements downloaded in Angles into queues and to present the advertisements in the queue as a series of advertisements. One would have been motivated to use such a queuing system to present the most pertinent advertisement to the user first, then the next most pertinent, etc. in order to select the advertisements best suited to entice selection by the user.

Claims 22 and 23: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a method for displaying advertisements to a user of an online client device as in Claim 21 above, and Angles further discloses the user performing a click-through on the link which causes the remote resource (i.e. website) to be downloaded and displayed to the user. However, Angles does not explicitly disclose that this activity would cause the exit window to be removed. The Examiner notes that since the newly downloaded webpage is being displayed it is inherent that the previous page (exit window) would be removed from the display screen. The Examiner also notes that it is common to display an exit button, normally on the browser's action line, which the user may select to exit from the current window. Clicking on such a button usually takes the user back to a default website or webpage, such as back to the browser's homepage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an exit button which leads to an exit page and to delete/remove the exit window when the user clicks on a hyper-link to another webpage such as disclosed by Angles. One would have been motivated to include the exit button and window and to remove the exit window upon selection of a link by the user in order to allow the user better

control over the browsing activity and to clear the window for the display of the selected linked webpage.

Claim 25: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a method for displaying advertisements to a user of an online client device as in Claim 21 above, and Angles further discloses the communication channel comprising a constant connection communication channel, such as interactive television networks or two-way cable systems (Angles: col 9, lines 3-44).

(10) Response to Argument

Appellants' argument regarding Claim 1

Appellants argue that the recited evidences do not teach the feature of "a client application commencing an initial online session with the online service provider to gain access to the Internet" (page 10). In particular, Appellants argue that the Angles reference only teaches the feature of a consumer accessing a network but does not teach the client application performing such task (page 11). Appellants concur that the feature of a browser such as Internet Explorer or Netscape Navigator is taught by Angles but that the feature of a client-server of Angles differ from Appellants' client-server architecture since the client application of Angles does not commence the online session (pages 11-12). Furthermore, Appellants argue the Examiner has not addressed the feature of a client application "operating independently of an Internet browser and operating concurrently with the Internet browser" (page 12).

Regarding the Filepp reference, Appellants argue that Filepp's partitions feature is not commensurate with Appellants's client application since the "advertisement application" does not have the same functionality as Appellants' "client application" (page 13). Also, Appellants

argue that Filepp does not teach the features of (a) "commencing an initial online session with the online service provider to gain access to the Internet" (page 13), (b) "displaying a sponsorship label on the client window by referring to the resource locator associated with the sponsorship label to be displayed, the sponsorship label comprising a hypertext link, wherein, when the user clicks on the sponsorship label, the client application causes the local device to access the resource locator associated with a click-through of the sponsorship label" (page 13) nor (c) "causing a first advertisement to be displayed in the client window, [such that it] retrieves the first advertisement from a memory cache local to the local device" (page 14).

Regarding the Pegoraro reference, Appellants argue that Pegararo only teaches the feature of an advertising banner on a screen not how it appears on the screen (page 14).

Regarding the Mandel reference, Appellants argue that Mandel only teaches the feature of a mini-billboard on a screen not how it appears on the screen (page 14).

Regarding the Hassett reference, Appellants argue that Hassett only teaches the feature of a persistent ad image not a persistent window (page 15).

Appellants argue that Pegoraro, Mandel or Hassett fails to teach or suggest the features of "the client application causing a client window to be displayed on the output device, the client window remaining fully visible so long as the online session with the online service provider persists" and "a client window having both an ad and a sponsorship label (pages 14-15).

Examiner's response

The examiner respectfully disagrees as the Angles et al. reference teaches the feature of a consumer accessing "contents available on the Internet via an Internet provider 34, the consumer initiates a connection with the Internet provider 34 from his or her consumer computer 12 (col 9, lines 61-64). The initial connection of Angles et al. is commensurate to the Appellants' commencing an initial online session. Furthermore, Angles et al. describes an

embodiment in which the initial connection is established via an executable browser: "the consumer invokes a browser which executes on the consumer computer 12. The browser, in turn, establishes a communication link directly with the Internet 33 or with the Internet provider 34 via a communications link. Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications link between the consumer computer 12 and the desired content provider computer 14" (col 9, line 65 to col 10, line 7). Angles et al. also teach that advertisements which can be in the form of hyper-links are shown on the consumer device during the online session and that the advertisements originate from the consumer computer or from an online source (col 7, lines 53-60; col 11, lines 50-65; col 15, lines 43-55 and col 19, line 17 - col 20, line 26). Angles et al. discloses that the online session is monitored to provide reports for accounting purposes and targeted advertising (col 15, lines 20-31; col 16, lines 26-37 and col 19, line 17 - col 20, line 26). The examiner remarks that the advertiser feature can also be viewed as a form of sponsorships and Angles et al. disclose various form of billing advertisers for displayed advertisement (col. 16, lines 8-39). Angles et al. also teach that the cost of accessing the Internet can be provided by advertisers (col. 16, lines 8-39). Thus, it would be obvious to skilled artisan at the time of the invention to have a sponsorship label and advertisement displayed on the screen. Thus Angles et al. teach the features of an application initiating an online session via an Internet service provider to access available contents, various forms of advertisements being displayed during the online session and monitoring the online session to provide feedback. However, Angles et al. do not teach the feature of concurrent and independent applications. Angles et al. teach that "numerous other types of access software could also be used to implement the present invention [...] for example, be other types of Internet browsers, custom network browsers, two-

way communications software, cable modem software, point-to-point software and the like" (col 10, lines 54-59). In an analogous art, the Filepp reference is relied upon to teach the concurrent and independent applications with an advertising window and a content window. The examiner remarks that Filepp has a different labeling scheme; however, the Filepp application partition is commensurate to Appellants' window features. The Filepp reference teaches the features of different application partitions on a screen (col 5, lines 13-16). Furthermore, the Filepp reference teaches that "each application partition is an independent, self contained unit and can operate correctly by itself" (col 5, lines 27-28) and "window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page partition 250-290 and window 275 is made up of a page element which defines the content of the partition or window" (col 9, lines 3-9). The feature of independently opening and closing each partition is indicative of self-run applications. The Filepp reference also teaches that the concurrent partitions provides contents such as news, industry, financial needs and cultural interests (col 6, lines 39-44) and advertisements from a queue and cached on the computer (col 9, lines 27-46 and Figs 3a-b). The examiner notes that the Pegoraro, Mandel or Hassett references are relied upon to teach the feature a persistent and fully visible advertising window displaying cyclically targeted advertisements ((Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hassett et al.: see fig. 10 and col 15, lines 27-30). Furthermore, the Pegoraro reference teaches online session being terminated upon the closing of the advertisement window (page 1, parag. 2). Thus it would have been obvious to a skilled artisan at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles et al. One would have been motivated to display the advertisement separately from the browser window in order to allow the

advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. browser for Internet access, word processor, spreadsheet, etc.). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Appellants' argument regarding Claim 7

Appellants argue that the cited references are silent on the limitation of (a) "commencing an initial online session with the online service provider", (b) "operating independently of an Internet browser and operating concurrently with the Internet browser", (c) "causing a client window to be displayed on the output device, the client window remaining fully visible and on top of all other windows so long as the online session with the online service provider persists, wherein the client window is displayed concurrently with a browser window generated by the Internet browser" and (d) "a client window having both an ad and a sponsorship label" (page 16).

Examiner's response

The examiner respectfully disagrees as the Angles et al. reference teaches the feature of a consumer accessing "contents available on the Internet via an Internet provider 34, the consumer initiates a connection with the Internet provider 34 from his or her consumer computer 12 (col 9, lines 61-64). The initial connection of Angles et al. is commensurate to the Appellants' commencing an initial online session. Furthermore, Angles et al. describes an embodiment in which the initial connection is established via an executable browser: "the consumer invokes a browser which executes on the consumer computer 12. The browser, in

turn, establishes a communication link directly with the Internet 33 or with the Internet provider 34 via a communications link. Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications link between the consumer computer 12 and the desired content provider computer 14" (col 9, line 65 to col 10, line 7). Angles et al. also teach that advertisements which can be in the form of hyper-links are shown on the consumer device during the online session and that the advertisements originate from the consumer computer or from an online source (col 7, lines 53-60; col 11, lines 50-65; col 15, lines 43-55 and col 19, line 17 - col 20, line 26). Angles et al. discloses that the online session is monitored to provide reports for accounting purposes and targeted advertising (col 15, lines 20-31; col 16, lines 26-37 and col 19, line 17 - col 20, line 26). The examiner remarks that the advertiser feature can also be viewed as a form of sponsorships and Angles et al. disclose various form of billing advertisers for displayed advertisement (col. 16, lines 8-39). Angles et al. also teach that the cost of accessing the Internet can be provided by advertisers (col. 16, lines 8-39). Thus, it would be obvious to skilled artisan at the time of the invention to have a sponsorship label and advertisement displayed on the screen. Thus Angles et al. teach the features of an application initiating an online session via an Internet service provider to access available contents, various forms of advertisements being displayed during the online session and monitoring the online session to provide feedback. However, Angles et al. do not teach the feature of concurrent and independent applications. Angles et al. teach that "numerous other types of access software could also be used to implement the present invention [...] for example, be other types of Internet browsers, custom network browsers, two-way communications software, cable modem software, point-to-point software and the like" (col 10, lines 54-59). In an analogous art, the Filepp reference is relied upon to teach the

concurrent and independent applications with an advertising window and a content window. The examiner remarks that Filepp has a different labeling scheme; however, the Filepp application partition is commensurate to Appellants' window features. The Filepp reference teaches the features of different application partitions on a screen (col 5, lines 13-16). Furthermore, the Filepp reference teaches that "each application partition is an independent, self contained unit and can operate correctly by itself" (col 5, lines 27-28) and "window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page partition 250-290 and window 275 is made up of a page element which defines the content of the partition or window" (col 9, lines 3-9). The feature of independently opening and closing each partition is indicative of self-run applications. The Filepp reference also teaches that the concurrent partitions provides contents such as news, industry, financial needs and cultural interests (col 6, lines 39-44) and advertisements from a queue and cached on the computer (col 9, lines 27-46 and Figs 3a-b). The examiner notes that the Pegoraro, Mandel or Hassett references are relied upon to teach the feature a persistent and fully visible advertising window displaying cyclically targeted advertisements ((Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hasset et al.: see fig. 10 and col 15, lines 27-30). Furthermore, the Pegoraro reference teaches online session being terminated upon the closing of the advertisement window (page 1, parag. 2). Thus it would have been obvious to a skilled artisan at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles et al. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be

tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. browser for Internet access, word processor, spreadsheet, etc.). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Appellants' argument regarding claim 11

Appellants argue that the cited references are silent on the limitation of "commence an online session with an online service provider through which the user accesses the Internet" and a system for causing a local device to "display a client window on an output device of the local device, the client window remaining fully visible and on top of all other windows so long as the online session persists and the client window is displayed independently of and concurrently with a browser window generated by an Internet browser" (page 17).

Examiner's response

The examiner respectfully disagrees as the Angles et al. reference teaches the feature of a consumer accessing "contents available on the Internet via an Internet provider 34, the consumer initiates a connection with the Internet provider 34 from his or her consumer computer 12 (col 9, lines 61-64). The initial connection of Angles et al. is commensurate to the Appellants' commencing an initial online session. Furthermore, Angles et al. describes an embodiment in which the initial connection is established via an executable browser: "the consumer invokes a browser which executes on the consumer computer 12. The browser, in turn, establishes a communication link directly with the Internet 33 or with the Internet provider 34 via a communications link. Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications

link between the consumer computer 12 and the desired content provider computer 14" (col 9, line 65 to col 10, line 7). Angles et al. also teach that advertisements which can be in the form of hyper-links are shown on the consumer device during the online session and that the advertisements originate from the consumer computer or from an online source (col 7, lines 53-60; col 11, lines 50-65; col 15, lines 43-55 and col 19, line 17 - col 20, line 26). Angles et al. discloses that the online session is monitored to provide reports for accounting purposes and targeted advertising (col 15, lines 20-31; col 16, lines 26-37 and col 19, line 17 - col 20, line 26). The examiner remarks that the advertiser feature can also be viewed as a form of sponsorships and Angles et al. disclose various form of billing advertisers for displayed advertisement (col. 16, lines 8-39). Angles et al. also teach that the cost of accessing the Internet can be provided by advertisers (col. 16, lines 8-39). Thus, it would be obvious to skilled artisan at the time of the invention to have a sponsorship label and advertisement displayed on the screen. Thus Angles et al. teach the features of an application initiating an online session via an Internet service provider to access available contents, various forms of advertisements being displayed during the online session and monitoring the online session to provide feedback. However, Angles et al. do not teach the feature of concurrent and independent applications. Angles et al. teach that "numerous other types of access software could also be used to implement the present invention [...] for example, be other types of Internet browsers, custom network browsers, two-way communications software, cable modem software, point-to-point software and the like" (col 10, lines 54-59). In an analogous art, the Filepp reference is relied upon to teach the concurrent and independent applications with an advertising window and a content window. The examiner remarks that Filepp has a different labeling scheme; however, the Filepp application partition is commensurate to Appellants' window features. The Filepp reference teaches the features of different application partitions on a screen (col 5, lines 13-16).

Furthermore, the Filepp reference teaches that "each application partition is an independent, self contained unit and can operate correctly by itself" (col 5, lines 27-28) and "window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page partition 250-290 and window 275 is made up of a page element which defines the content of the partition or window" (col 9, lines 3-9). The feature of independently opening and closing each partition is indicative of self-run applications. The Filepp reference also teaches that the concurrent partitions provides contents such as news, industry, financial needs and cultural interests (col 6, lines 39-44) and advertisements from a queue and cached on the computer (col 9, lines 27-46 and Figs 3a-b). The examiner notes that the Pegoraro, Mandel or Hassett references are relied upon to teach the feature a persistent and fully visible advertising window displaying cyclically targeted advertisements ((Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hassett et al.: see fig. 10 and col 15, lines 27-30). Furthermore, the Pegoraro reference teaches online session being terminated upon the closing of the advertisement window (page 1, parag. 2). Thus it would have been obvious to a skilled artisan at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles et al. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. browser for Internet access, word processor, spreadsheet, etc.). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Appellants' argument regarding claim 15

Appellants argue that the cited references are silent on the limitation of a local device to (a) "commence an online session with the online service provider", (b) "to obtain sponsorship data from the online service provider", and (c) to "display a client window on the output device, the client window remaining fully visible and on top of all other windows while the online session persists with the online service provider, wherein the client window is displayed independently of a browser window generated by an Internet browser" (pages 17 and 18).

Examiner's response

The examiner respectfully disagrees as the Angles et al. reference teaches the feature of a consumer accessing "contents available on the Internet via an Internet provider 34, the consumer initiates a connection with the Internet provider 34 from his or her consumer computer 12 (col 9, lines 61-64). The initial connection of Angles et al. is commensurate to the Appellants' commencing an initial online session. Furthermore, Angles et al. describes an embodiment in which the initial connection is established via an executable browser: "the consumer invokes a browser which executes on the consumer computer 12. The browser, in turn, establishes a communication link directly with the Internet 33 or with the Internet provider 34 via a communications link. Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications link between the consumer computer 12 and the desired content provider computer 14" (col 9, line 65 to col 10, line 7). Angles et al. also teach the feature of the advertisement delivered via the internet provider (Figure 2). Angles et al. also teach that advertisements which can be in the form of hyper-links are shown on the consumer device during the online session and that the advertisements originate from the consumer computer or from an online source (col 7, lines 53-

60; col 11, lines 50-65; col 15, lines 43-55 and col 19, line 17 - col 20, line 26). Angles et al. discloses that the online session is monitored to provide reports for accounting purposes and targeted advertising (col 15, lines 20-31; col 16, lines 26-37 and col 19, line 17 - col 20, line 26). The examiner remarks that the advertiser feature can also be viewed as a form of sponsorships and Angles et al. disclose various form of billing advertisers for displayed advertisement (col. 16, lines 8-39). Angles et al. also teach that the cost of accessing the Internet can be provided by advertisers (col. 16, lines 8-39). Thus, it would be obvious to skilled artisan at the time of the invention to have a sponsorship label and advertisement displayed on the screen. Thus Angles et al. teach the features of an application initiating an online session via an Internet service provider to access available contents, various forms of advertisements being displayed during the online session and monitoring the online session to provide feedback. However, Angles et al. do not teach the feature of concurrent and independent applications. Angles et al. teach that "numerous other types of access software could also be used to implement the present invention [...] for example, be other types of Internet browsers, custom network browsers, two-way communications software, cable modem software, point-to-point software and the like" (col 10, lines 54-59). In an analogous art, the Filepp reference is relied upon to teach the concurrent and independent applications with an advertising window and a content window. The examiner remarks that Filepp has a different labeling scheme; however, the Filepp application partition is commensurate to Appellants' window features. The Filepp reference teaches the features of different application partitions on a screen (col 5, lines 13-16). Furthermore, the Filepp reference teaches that "each application partition is an independent, self contained unit and can operate correctly by itself" (col 5, lines 27-28) and "window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page

partition 250-290 and window 275 is made up of a page element which defines the content of the partition or window" (col 9, lines 3-9). The feature of independently opening and closing each partition is indicative of self-run applications. The Filepp reference also teaches that the concurrent partitions provides contents such as news, industry, financial needs and cultural interests (col 6, lines 39-44) and advertisements from a queue and cached on the computer (col 9, lines 27-46 and Figs 3a-b). The examiner notes that the Pegoraro, Mandel or Hassett references are relied upon to teach the feature a persistent and fully visible advertising window displaying cyclically targeted advertisements ((Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hassett et al.: see fig. 10 and col 15, lines 27-30). Furthermore, the Pegoraro reference teaches online session being terminated upon the closing of the advertisement window (page 1, parag. 2). Thus it would have been obvious to a skilled artisan at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles et al. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. browser for Internet access, word processor, spreadsheet, etc.). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Appellants' argument regarding claim 21

Appellants argue that the cited references are silent on the limitation of a client application "commencing an online session by establishing a communication channel from the local device to an online server of the online service provider" and "displaying a client window on the output device of the local device, the client window remaining fully visible so long as the online session with the online service provider persists, wherein the client window is displayed independently of a browser window generated by the Internet browser" (page 18).

Examiner's response

The examiner respectfully disagrees as the Angles et al. reference teaches the feature of a consumer accessing "contents available on the Internet via an Internet provider 34, the consumer initiates a connection with the Internet provider 34 from his or her consumer computer 12 (col 9, lines 61-64). The initial connection of Angles et al. is commensurate to the Appellants' commencing an initial online session. Furthermore, Angles et al. describes an embodiment in which the initial connection is established via an executable browser: "the consumer invokes a browser which executes on the consumer computer 12. The browser, in turn, establishes a communication link directly with the Internet 33 or with the Internet provider 34 via a communications link. Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications link between the consumer computer 12 and the desired content provider computer 14" (col 9, line 65 to col 10, line 7). The communication link of Angles et al. is viewed as Appellants' communication channel. Angles et al. also teach that advertisements which can be in the form of hyper-links are shown on the consumer device during the online session and that the advertisements originate from the consumer computer or from an online source (col 7, lines 53-

60; col 11, lines 50-65; col 15, lines 43-55 and col 19, line 17 - col 20, line 26). Angles et al. discloses that the online session is monitored to provide reports for accounting purposes and targeted advertising (col 15, lines 20-31; col 16, lines 26-37 and col 19, line 17 - col 20, line 26). The examiner remarks that the advertiser feature can also be viewed as a form of sponsorships and Angles et al. disclose various form of billing advertisers for displayed advertisement (col. 16, lines 8-39). Angles et al. also teach that the cost of accessing the Internet can be provided by advertisers (col. 16, lines 8-39). Thus, it would be obvious to skilled artisan at the time of the invention to have a sponsorship label and advertisement displayed on the screen. Thus Angles et al. teach the features of an application initiating an online session via an Internet service provider to access available contents, various forms of advertisements being displayed during the online session and monitoring the online session to provide feedback. However, Angles et al. do not teach the feature of concurrent and independent applications. Angles et al. teach that "numerous other types of access software could also be used to implement the present invention [...] for example, be other types of Internet browsers, custom network browsers, two-way communications software, cable modem software, point-to-point software and the like" (col 10, lines 54-59). In an analogous art, the Filepp reference is relied upon to teach the concurrent and independent applications with an advertising window and a content window. The examiner remarks that Filepp has a different labeling scheme; however, the Filepp application partition is commensurate to Appellants' window features. The Filepp reference teaches the features of different application partitions on a screen (col 5, lines 13-16). Furthermore, the Filepp reference teaches that "each application partition is an independent, self contained unit and can operate correctly by itself" (col 5, lines 27-28) and "window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page

partition 250-290 and window 275 is made up of a page element which defines the content of the partition or window" (col 9, lines 3-9). The feature of independently opening and closing each partition is indicative of self-run applications. The Filepp reference also teaches that the concurrent partitions provides contents such as news, industry, financial needs and cultural interests (col 6, lines 39-44) and advertisements from a queue and cached on the computer (col 9, lines 27-46 and Figs 3a-b). The examiner notes that the Pegoraro, Mandel or Hassett references are relied upon to teach the feature a persistent and fully visible advertising window displaying cyclically targeted advertisements ((Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hassett et al.: see fig. 10 and col 15, lines 27-30). Furthermore, the Pegoraro reference teaches online session being terminated upon the closing of the advertisement window (page 1, parag. 2). Thus it would have been obvious to a skilled artisan at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles et al. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. browser for Internet access, word processor, spreadsheet, etc.). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

NVT

NVT


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